

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - E/S private easement,
161' N of the c/l Beaver Court * DEPUTY ZONING COMMISSIONER
(105 Beaver Court)
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 96-209-XA
Robert E. Frankel
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 105 Beaver Court, located in the vicinity of Cockeysville Road and Beaver Dam Road in Cockeysville. The Petitions were filed by the owner of the property, Robert E. Frankel, through his attorney, Robert A. Hoffman, Esquire. The Petitioner seeks a special exception to permit the use of the subject property as a service garage, and variance relief from Section 409.8.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a gravel storage lot in lieu of the required durable and dustless, paved surface. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Robert E. Frankel, property owner, Richard W. Benner and William T. Matthews, representatives of the Ruxton Design Corporation who prepared the site plan for this project, and Robert A. Hoffman, Esquire, attorney for the Petitioners.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.3141 acres, more or less, zoned M.L.-I.M. and is improved with a one-story warehouse and accessory parking areas, part of which is paved macadam and the rest is gravel. The Petitioner is

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Date

By

12/28/95
[Signature]

in the business of selling new and used automobiles and owns several dealerships throughout Baltimore County. Mr. Frankel seeks to establish a service garage on the subject property for the purpose of storing excess inventory and also as a preparation area for all of the vehicles he sells at his various dealerships. Mr. Frankel testified that he envisions customers coming to his facility to look at the various models of cars he offers for sale, in lieu of bringing three or four models to a dealership for a customer to inspect. The customer would simply come to this storage lot to look at the variety of cars he has in stock. The Petitioner also seeks to lease a portion of the subject site to a rental car agency for use as a pick-up and drop-off area for its customers. Inasmuch as this property will be utilized for the storage of vehicles being offered for sale as well as a cleaning/preparation facility, the Petitioner was required to file a request for special exception. Furthermore, inasmuch as a portion of the parking area is a gravel surface, the requested variance is necessary. It should be noted, however, that the vehicles stored on this property will be stored on the gravel portion of the parking lot, and thus, there will be limited traffic on the gravel surface areas.

It has been recognized by this Deputy Zoning Commissioner that the car dealerships operated by Mr. Frankel have been particularly well-maintained and operated in strict compliance with the B.C.Z.R. Mr. Frankel makes it a point to not provide streamers, banners, temporary signs, inflatable blimps, or other such devices that are intended solely to distract passing motorists. He operates a very clean and aesthetically pleasing automobile sales facility and for this, he should be commended.

It is clear that the B.C.Z.R. permits the use proposed in a M.L.-I.M. zone by special exception. It is equally clear that the proposed use

would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.


After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. Given the fact that the predominant proposed use of the property will be for storage purposes, traffic on the property will be minimal and should not pose a threat to adjoining properties. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of December, 1995 that the Petition for Special Exception to permit the use of the subject property as a service garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.8.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a gravel storage lot in lieu of the required durable and dustless, paved surface, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special exception granted herein is limited to a service garage for the storage, detailing and preparation of automobiles being offered for sale by the Petitioner, only, and as a pick-up and drop-off area for rental car customers.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - E/S private easement,
161' N of the c/l Beaver Court * DEPUTY ZONING COMMISSIONER
(105 Beaver Court)
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 96-209-XA
Robert E. Frankel
Petitioner *

* * * * *

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for a service garage on the subject property, known as 105 Beaver Court in Cockeysville. The variance sought relief from Section 409.8.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a gravel storage lot in lieu of the required durable and dustless, paved surface, in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1.

The relief requested was granted on December 28, 1995, subject to certain terms and restrictions, of which Restriction No. 2 specified the limits of the special exception relief granted.

Subsequent to the issuance of said Order, Counsel for the Petitioner requested a modification of Restriction No. 2 to more clearly define the proposed special exception use and the area allotted for same.

After due consideration of Counsel's request, it appears that a modification of Restriction No. 2 is warranted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of January, 1996 that Restriction No. 2 of the Order issued December 28, 1995 shall be modified to read as follows:

"2) The special exception granted herein is limited to a service garage for the storage, detailing and preparation of automobiles being offered for sale by the Petitioner, as a pick-up and drop-off area for


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Date 1/17/96

By [Signature]

rental car customers, and for the general servicing of automobiles in an area not to exceed 1/3 of the area allotted for the storage, detailing and preparation of automobiles being offered for sale by the Petitioner."

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued December 28, 1995 shall remain in full force and effect.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Md. 21204

Mr. Robert E. Frankel
201 Reisterstown Road, Baltimore, Md. 21208

People's Counsel; Case File

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 28, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S private easement, 161' N of the c/l Beaver Court
(105 Beaver Court)
8th Election District - 3rd Councilmanic District
Robert E. Frankel - Petitioner
Case No. 96-209-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Robert E. Frankel
201 Reisterstown Road, Baltimore, Md. 21208

People's Counsel

File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 105 Beaver Court

which is presently zoned ML-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a service garage

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Robert A. Hoffman

(Type or Print Name)

Signature Venable, Baetjer & Howard, LLP

210 Allegheny Avenue 494-6200

Address

Towson, Maryland 21204

Phone No.

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Robert E. Frankel

(Type or Print Name)

Signature

(Type or Print Name)

Signature

201 Reisterstown Road 484-8800

Address

Phone No.

Baltimore, Maryland 21208

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Name 210 Allegheny Avenue

Towson, Maryland 21204

494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

11-14-95

ORDER RECEIVED FOR FILING

Date

BY



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 105 Beaver Court

which is presently zoned ML-1M

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.8.A.2 of the Baltimore County

Zoning Regulations to permit a gravel storage lot in lieu of a paved and dustless surface, if required

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Owner, or Petitioner

Robert A. Hoffman

(Type or Print Name)

Venables, Baetjer & Howard, LLP

210 Allegheny Avenue 494-6200

Phone No

Towson, Maryland 21204

State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

Robert E. Frankel

(Type or Print Name)

Signature

(Type or Print Name)

Signature

201 Reisterstown Road 484-8800

Address

Phone No.

Baltimore, Maryland 21208

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Name 210 Allegheny Avenue

Towson, Maryland 21204

494-6200

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date

Next Two Months

ALL

OTHER

REVIEWED BY: JPH

DATE

11-14-85

ORDER RECEIVED FOR FILING

Date

By

Zoning Administration

Seal of Baltimore County, Maryland

207

See SP, EX

ZONING DESCRIPTION

**105 Beaver Court
Cockeysville, Maryland
(8th Election District)**

207

Beginning at a point on the Easterly side of a Private Easement for Ingress and Egress , 50 feet wide, which point is at the distance of 161 feet more or less measured Northerly from the center line of Beaver Court (Extended) which is 70 feet wide and running thence the four following courses and distances:

- 1) North 36 degrees 30 minutes 20 seconds West, 210.00 feet***
- (2) North 53 degrees 16 minutes 40 seconds East, 479.42 feet***
- (3) South 36 degrees 43 minutes 20 seconds East, 210.00 feet***
- 4) South 53 degrees 16 minutes 40 seconds West, 480.22 feet
to the point of beginning as recorded in Deed Liber 8036,
Folio 566.***

Containing 2.3141 Acres of Land more or less.



***Ruxton Design Corporation
Ruxton, Maryland***

(410) 823-5000

96-704 X1A

Item No. 27

07055

AMOUNT_ \$

AMOUNT \$ 620.⁰⁰

FOR: _____

# 050 - Commercial Special Exception Fee		300.	06
" " "	WATER FEE	\$20.00	
040 -	SEWER FEE	250	44
	SANITARY FEE		
	1019-11-14-85		
	74		

DISTRIBUTION		VALIDATION
WHITE - CASHIER	PINK - AGENCY	YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Total \$ 620.00



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No:

207

Petitioner:

Robert E. Frankel

Location:

105 Bearer Court

PLEASE FORWARD ADVERTISING BILL TO:

NAME:

Barbara Ormrod, Legal Assistant

ADDRESS:

210 Allegheny Ave

Towson, Md 21204

PHONE NUMBER:

494-6201

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY

November 30, 1995 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.

210 Allegheny Avenue

Towson MD 21204

494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-209-XA (Item 207)

105 Beaver Court

E/S private road, for ingress and egress, which is 161' +/- N of c/l Beaver Court

8th Election District - 3rd Councilmanic

Legal Owner: Robert E. Frankel

Special Exception for a service garage.

Variance to permit a gravel storage lot in lieu of a paved and dustless surface, if required.

HEARING: FRIDAY, DECEMBER 15, 1995 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-209-XA (Item 207)

105 Beaver Court

E/S private road, for ingress and egress, which is 161'+/- N of c/l Beaver Court

8th Election District - 3rd Councilmanic

Legal Owner: Robert E. Frankel

Special Exception for a service garage.

Variance to permit a gravel storage lot in lieu of a paved and dustless surface, if required.

HEARING: FRIDAY, DECEMBER 15, 1995 at 2:00 p.m. in Room 106, County Office Building.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Robert A. Hoffman, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 7, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 207
Case No.: 96-209-XA
Petitioner: R. E. Frankel

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 14, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

4107071109E



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 5, 1995
Zoning Administration and Development Management

FROM: *pub* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for December 4, 1995
Item No. 207

The Development Plans Review Division has reviewed the subject zoning item. This site is subject to the Landscape Manual to the extent possible.

RWB:sw

100-100000-100000

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/01/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 27, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 205, 206, 207, 208, 209,
210, 211, 213 AND 214. {

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed on Recycled Paper



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

11-28-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 207 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#170 (Revisions) — JJS

1. No telephone number for legal owner.
2. Review information on bottom of petition form not completed.

#206 — JJS

1. Need authorization for person to sign for legal owner.
2. No address or telephone number for legal owner.

#207 — JJS

1. Plat says legal owner is Penske Truck Leasing Company; petition says Robert E. Frankel — Which is correct??

#208 — MJK

1. No signature for legal owners (Robert & Salvatore Yoviene).

#210 — JCM

1. No item number on papers in folders.
2. Review information on bottom of petition form not completed.

#214 — JJS

1. No zip code for legal owner.

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
105 Beaver Court, E/S private road for	*	ZONING COMMISSIONER
ingress and egress, which is 161'+/- N		
of c/l Beaver Court, 8th Election	*	OF BALTIMORE COUNTY
District - 3rd Councilmanic		
	*	CASE NO. 96-209-XA
Robert E. Frankel		
Petitioner	*	

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

[Handwritten signature]

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

VENABLE
ATTORNEYS AT LAW

Robert A. Hoffman
(410) 494-6262

January 5, 1996

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
Old Courthouse, Suite 113
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 96-209-XA

Dear Tim:

Bob Frankel and I have reviewed your Order dated December 28, 1995 in the referenced case. Referring you to Restriction No. 2, I would ask that you consider a modification as follows:

"The Special Exception granted herein is limited to a service garage for the storage, detailing and preparation of automobiles being offered for sale by the Petitioner, as a pick-up and drop-off area for rental car customers, and for the general servicing of automobiles in an area not to exceed 1/3 of the area allotted to storage, detailing and preparation of automobiles being offered for sale by the Petitioner."

This revised language does broaden the scope of the Special Exception, but we believe it is consistent with Mr. Frankel's intentions expressed at the hearing.

Please feel free to call me if you have any questions.

Yours truly,



Robert A. Hoffman

RAH:pyb
cc: Mr. Robert E. Frankel
TO1DOCS1/RAH01/0017919.01



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 15, 1998

ARTA Operating Limited Partnership
Campbell Centre II
8150 N. Central Expressway, Suite 1233
Dallas, Texas 75206

RE: Zoning Verification
105 Beaver Court
Chesapeake Cadillac/Babcock
Automotive
Zoning Case #96-209-A & #97-228-SPH
8th Election District

To Whom It May Concern:

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. The zoning of this site per the 1 inch = 200 feet scale zoning map #NW-17B is M.L.-I.M. (Manufacturing, Light - Industrial, major). This site was the subject of a special exception and variance hearing, case number 96-209-XA, in which Deputy Zoning Commissioner Timothy Kotroco, granted the use of the property for a service garage with a portion of the property used to house a rental car agency with a limitation that only storage, detailing, and preparation of vehicles be allowed. In this same case, a variance to permit a gravel surface storage lot was granted. On April 3, 1998, Zoning Commissioner Lawrence E. Schmidt granted a petition for a special hearing, case number 97-228-SPH approving an amendment to the prior order to permit the use of the property as a service garage for the general servicing and repair of automobiles, including automotive body work.

Building permit #B-333654 (existing use, auto repair shop and new car storage; proposed use, same plus add auto body shop and grading) for grading and paving 18,000 square feet for auto body shop was approved by this office on March 24, 1998 and issued on April 24, 1998. Building permit #B-333674 (existing use, repair shop; proposed use, repair and auto body shop) to construct a 143-foot x 100-foot x 16-foot one-story body shop on the rear of the property was approved by this office on April 6, 1998. However; it has not been issued yet, as it has not been approved by the Sediment Control office. The telephone number of that office is 410-887-3226.

Original occupancy certificates are no longer available. Our records indicate that there were no building, plumbing, or electrical complaints nor any apparent code violations that would have precluded occupancy.

ARTA Operating Limited Partnership
May 15, 1998
Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in dark ink, appearing to read "John J. Sullivan, Jr.", written in a cursive style.

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:rye

Enclosure

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Rob Hoffman
Dick BENNER
WILLIAM T. MATTHEWS
BOB
FRANKEL

ADDRESS
210 Allegheny Ave
RIXTON DESIGN CORP.
8422 BELLONA LANE
21207
10400 YORK RD COCKEYVILLE MD
21036



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Rob Hoffman

BOB FRANKEL

WILLIAM MATTHEWS

RICHARD W. BENNER

210 Albany Ave 21204

10400 YORK ROAD. GALEVILLE MD 21050

LUXTON DESIGN CORP.

Ruxton Design Corp.

8422 Bellona Lane

Suite 300

21204



207

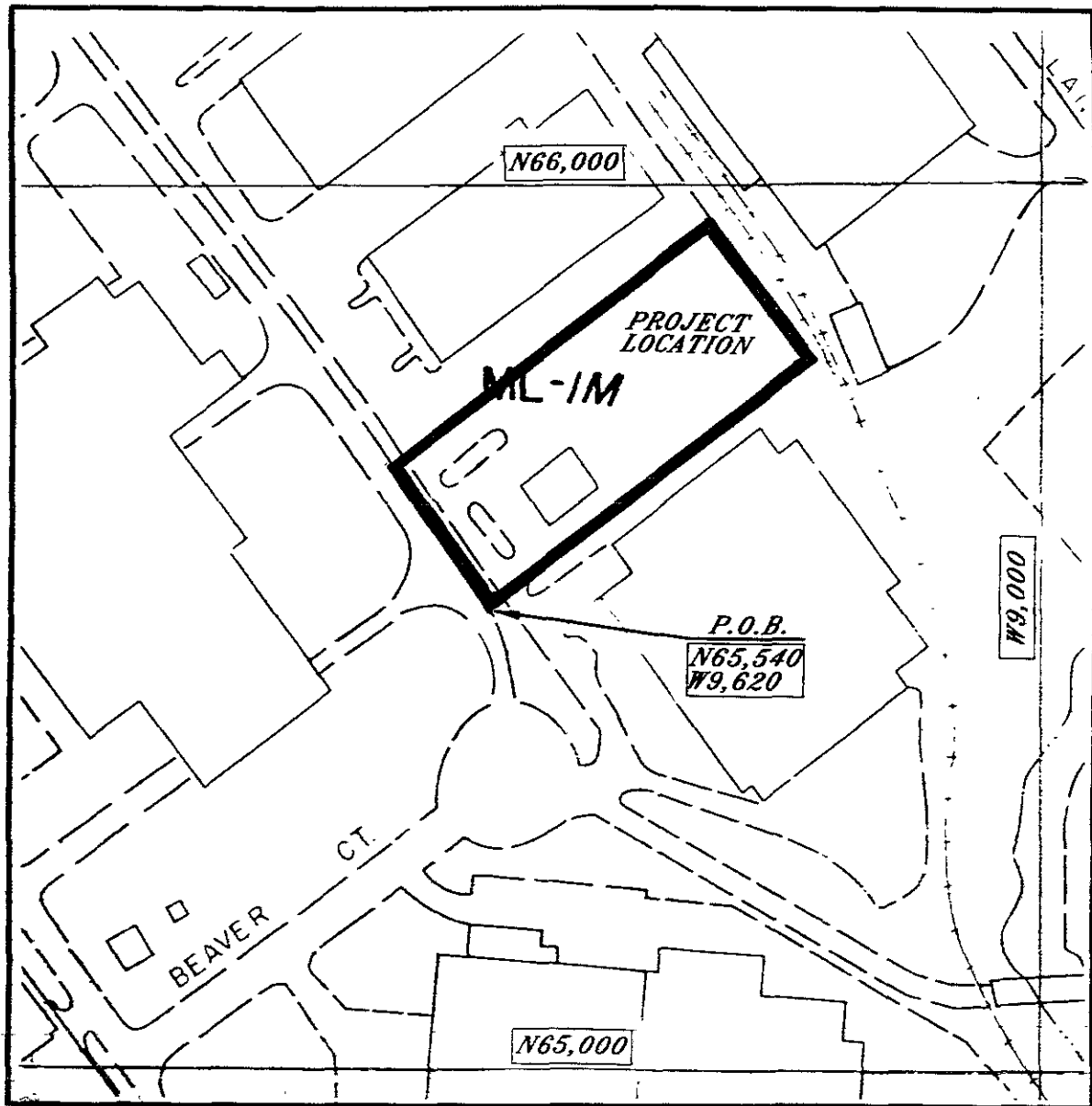
1992 COMPREHENSIVE ZONING MAP

Cockeysville

Sheet N.W., 17 - B

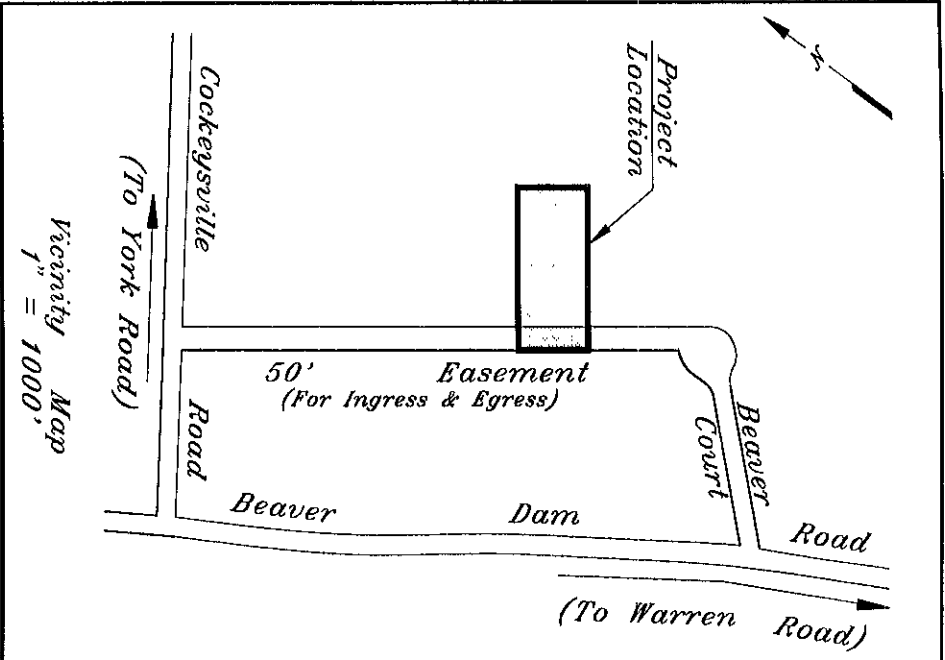
1" = 200'

(Subject Property at 105 Beaver Court shown Outlined in Red)



Ruxton Design Corporation
Ruxton, Maryland
(410-823-5000)

ENCLOSURE



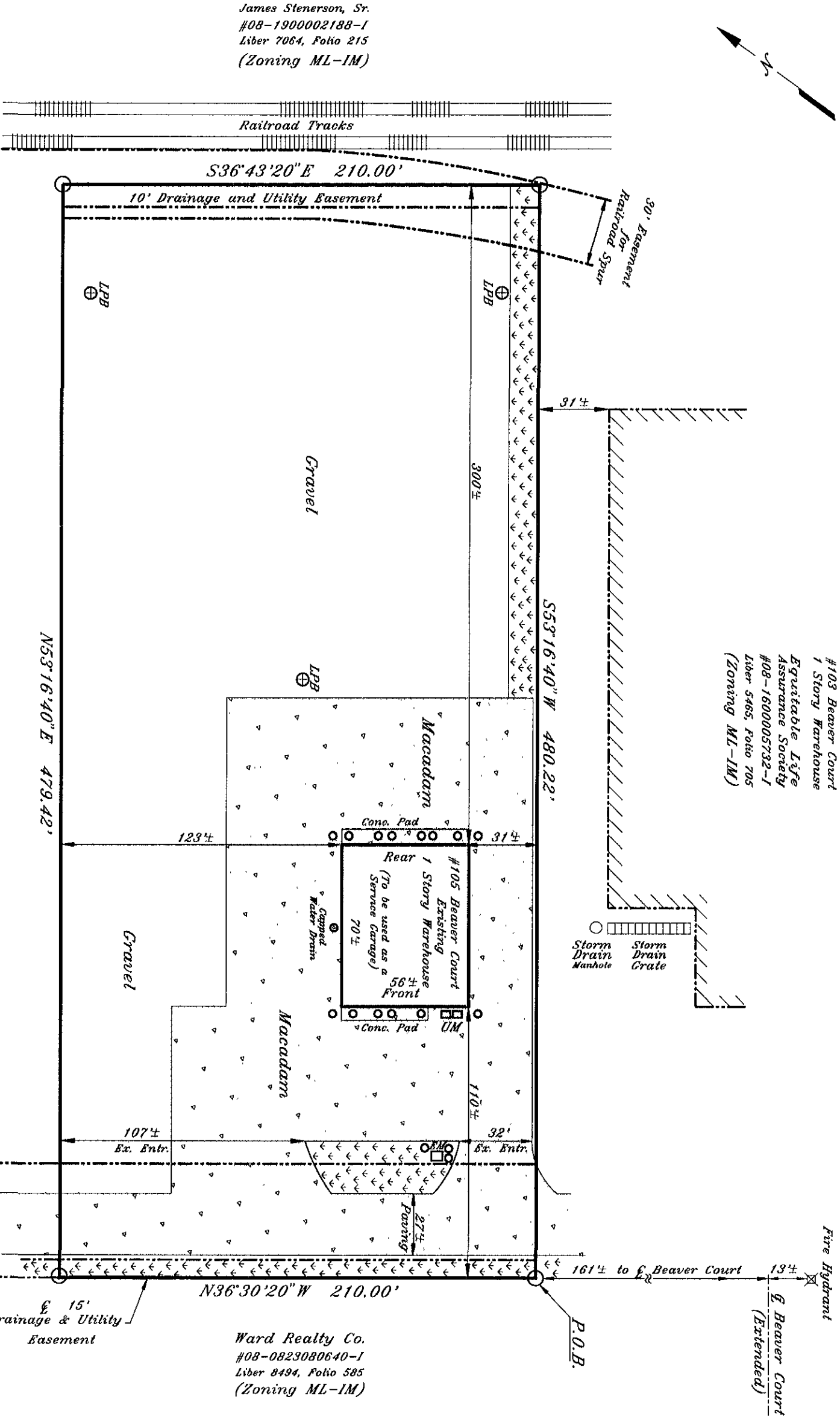
William T. Matthews

STATE OF MARYLAND
WILLIAM T. MATTHEWS
REGISTERED SURVEYOR
NO. 134
PROPERTY LINE

Plat to Accompany Petition
for
Special Exception and Variance
for
Service Garage
at
105 Beaver Court
Cockeysville, Maryland 21030

Scale: 1"=50' November 6, 1995

Ruxton Design Corporation
8422 Bellona Lane
Towson, Maryland 21204
(410) 823-5000
(Fax) 823-0115



Identifying Data		Zoning Information		Areas		Legend		Zoning Office Use Only		
Property Address :	105 Beaver Court Cockeysville, Md 21230	Election District :	8th Councilmanic District : 3rd	Gross Area :	2.3141 Acres	<input type="radio"/> PM	Property Corner	Reviewed By	Item Number	Case Number
Tax Account Number :	08-1600009418-1	Councilmanic District :	3rd	Net Area :	100,802 Sq.Ft.	<input type="radio"/> NO	Utility Meter			
Deed Reference :	Liber 8036, Folio 563	200 Scale Zoning Map :	N.W. (Cockeysville)	Floor Area :	2,0732 Acres	<input type="radio"/> MB	Concrete Pole			
Property Owner :	Penske Truck Leasing Co.	Prior Zoning Hearings :	17-B	Floor/Area Ratio =	90.307 Sq.Ft.	<input type="radio"/> PT	Electric Meter			
Mailing Address :	Same as Above	Re-Classified to ML-1M (Case Number not available)			3920 Sq.Ft.	<input type="radio"/> X	Light Pole Base			
		Present Zoning :	ML-1M		0.039		Grass Areas			

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - E/S private easement, * DEPUTY ZONING COMMISSIONER
161' N of the c/l Beaver Court * (105 Beaver Court)
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 96-209-XA
Robert E. Frankel
Petitioner:

WITNESSED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for a service garage on the subject property, known as 105 Beaver Court in Cockeysville. The variance sought relief from Section 409.8.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a gravel storage lot in lieu of the required durable and dustless, paved surface, in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1.

The relief requested was granted on December 28, 1995, subject to certain terms and restrictions, of which Restriction No. 2 specified the limits of the special exception relief granted.

Subsequent to the issuance of said Order, Counsel for the Petitioner requested a modification of Restriction No. 2 to more clearly define the proposed special exception use and the area allotted for same.

After due consideration of Counsel's request, it appears that a modification of Restriction No. 2 is warranted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of January, 1996 that Restriction No. 2 of the Order issued December 28, 1995 shall be modified to read as follows:

"2) The special exception granted herein is limited to a service garage for the storage, detailing and preparation of automobiles being offered for sale by the Petitioner, as a pick-up and drop-off area for

rental car customers, and for the general servicing of automobiles in an area not to exceed 1/3 of the area allotted for the storage, detailing and preparation of automobiles being offered for sale by the Petitioner."

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued December 28, 1995 shall remain in full force and effect.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs
cc: Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, Md. 21204
Mr. Robert E. Frankel
201 Reisterstown Road, Baltimore, Md. 21208
People's Counsel; Case File

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - E/S private easement, * DEPUTY ZONING COMMISSIONER
161' N of the c/l Beaver Court * (105 Beaver Court)
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 96-209-XA
Robert E. Frankel
Petitioner:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 105 Beaver Court, located in the vicinity of Cockeysville Road and Beaver Dam Road in Cockeysville. The Petitions were filed by the owner of the property, Robert E. Frankel, through his attorney, Robert A. Hoffman, Esquire. The Petitioner seeks a special exception to permit the use of the subject property as a service garage, and variance relief from Section 409.8.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a gravel storage lot in lieu of the required durable and dustless, paved surface. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Robert E. Frankel, property owner, Richard W. Benner and William T. Matthews, representatives of the Ruxton Design Corporation who prepared the site plan for this project, and Robert A. Hoffman, Esquire, attorney for the Petitioners.

Testimony and evidence offered revealed that the subject property consists of a gross area of 2.3141 acres, more or less, zoned M.L.-I.M. and is improved with a one-story warehouse and accessory parking areas, part of which is paved macadam and the rest is gravel. The Petitioner is

in the business of selling new and used automobiles and owns several dealerships throughout Baltimore County. Mr. Frankel seeks to establish a service garage on the subject property for the purpose of storing excess inventory and also as a preparation area for all of the vehicles he sells at his various dealerships. Mr. Frankel testified that he envisions customers coming to his facility to look at the various models of cars he offers for sale, in lieu of bringing three or four models to a dealership for a customer to inspect. The customer would simply come to this storage lot to look at the variety of cars he has in stock. The Petitioner also seeks to lease a portion of the subject site to a rental car agency for use as a pick-up and drop-off area for its customers. Inasmuch as this property will be utilized for the storage of vehicles being offered for sale as well as a cleaning/preparation facility, the Petitioner was required to file a request for special exception. Furthermore, inasmuch as a portion of the parking area is a gravel surface, the requested variance is necessary. It should be noted, however, that the vehicles stored on this property will be stored on the gravel portion of the parking lot, and thus, there will be limited traffic on the gravel surface areas.

It has been recognized by this Deputy Zoning Commissioner that the car dealerships operated by Mr. Frankel have been particularly well-maintained and operated in strict compliance with the B.C.Z.R. Mr. Frankel makes it a point to not provide streamers, banners, temporary signs, inflatable blimps, or other such devices that are intended solely to distract passing motorists. He operates a very clean and aesthetically pleasing automobile sales facility and for this, he should be commended.

It is clear that the B.C.Z.R. permits the use proposed in a M.L.-I.M. zone by special exception. It is equally clear that the proposed use

ORDER RECEIVED FOR FILING
Date 1/17/96
By bjs

ORDER RECEIVED FOR FILING
Date 1/17/96
By bjs

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Date 1/17/96
By bjs

ORDER RECEIVED FOR FILING
Date 1/17/96
By bjs

- 2 -

- 2 -

would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soles, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. Given the fact that the predominant proposed use of the property will be for storage purposes, traffic on the property will be minimal and should not pose a threat to adjoining properties. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of December, 1995 that the Petition for Special Exception to permit the use of the subject property as a service garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.8.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a gravel storage lot in lieu of the required durable and dustless, paved surface, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The special exception granted herein is limited to a service garage for the storage, detailing and preparation of automobiles being offered for sale by the Petitioner, only, and as a pick-up and drop-off area for rental car customers.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 28, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S private easement, 161' N of the c/l Beaver Court
(105 Beaver Court)
8th Election District - 3rd Councilmanic District
Robert E. Frankel - Petitioner
Case No. 96-209-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Robert E. Frankel
201 Reisterstown Road, Baltimore, Md. 21208

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 1/17/96
By bjs

ORDER RECEIVED FOR FILING
Date 1/17/96
By bjs

ORDER RECEIVED FOR FILING
Date 1/17/96
By bjs

- 3 -

- 5 -



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 105 Beaver Court
which is presently zoned ML-TM

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a service garage

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor
(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s)
Robert E. Frankel
(Type or Print Name)
Signature
Address
City State Zipcode
201 Reisterstown Road 484-8800
Baltimore, Maryland 21208
City Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
Robert A. Hoffman
210 Allegheny Avenue
Towson, Maryland 21204 494-6200
City Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Office Use Only
ESTIMATED LENGTH OF HEARING
The following dates
ALL OTHER
REVIEWED BY: DATE: 11-14-95



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 105 Beaver Court
which is presently zoned ML-TM

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.8.2.2 of the Baltimore County Zoning Regulations to permit a gravel storage lot in lieu of a paved and dustless surface, if required

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor
(Type or Print Name)
Signature
Address
City State Zipcode

Legal Owner(s)
Robert E. Frankel
(Type or Print Name)
Signature
Address
City State Zipcode
201 Reisterstown Road 484-8800
Baltimore, Maryland 21208
City Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.
Robert A. Hoffman
210 Allegheny Avenue
Towson, Maryland 21204 494-6200
City Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Office Use Only
ESTIMATED LENGTH OF HEARING
The following dates
ALL OTHER
REVIEWED BY: DATE: 11-14-95

ZONING DESCRIPTION
105 Beaver Court
Cockeysville, Maryland
(8th Election District)

Beginning at a point on the Easterly side of a Private Easement for Ingress and Egress, 50 feet wide, which point is at the distance of 161 feet more or less measured Northerly from the center line of Beaver Court (Extended) which is 70 feet wide and running thence the four following courses and distances:

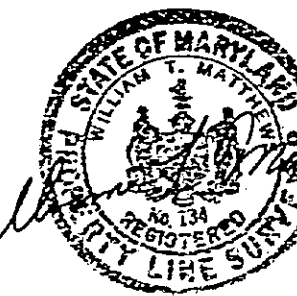
1) North 36 degrees 30 minutes 20 seconds West, 210.00 feet

(2) North 53 degrees 16 minutes 40 seconds East, 479.42 feet

(3) South 36 degrees 43 minutes 20 seconds East, 210.00 feet

4) South 53 degrees 16 minutes 40 seconds West, 480.22 feet to the point of beginning as recorded in Deed Liber 8036, Folio 586.

Containing 2.314 Acres of Land more or less.



Ration Design Corporation
Ration, Maryland
(410) 823-3000

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 11/14/95

Posted for: Special Exception to Varnhede, Baetjer & Howard, LLP

Petitioner: Robert E. Frankel

Location of property: 105 Beaver Court, 105

Location of Sign: 105 Beaver Court, 105

Remarks:

Posted by: [Signature] Date of return: 11/14/95

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 11-14-95 ACCOUNT: R-001-6150

AMOUNT: \$ 620.00

RECEIVED FROM: Varnhede, Baetjer & Howard, LLP

OWNED BY: Robert E. Frankel

SITE: 105 Beaver Ct.

FOR: # 050 - Commercial Special Exception for 300 sq. ft. of gravel storage lot

050 - Commercial Special Exception for 300 sq. ft. of gravel storage lot

050 - Commercial Special Exception for 300 sq. ft. of gravel storage lot

050 - Commercial Special Exception for 300 sq. ft. of gravel storage lot

050 - Commercial Special Exception for 300 sq. ft. of gravel storage lot

050 - Commercial Special Exception for 300 sq. ft. of gravel storage lot



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No. 207

Petitioner: Robert E. Frankel

Location: 105 Beaver Court

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Barbara Ormrod, Legal Assistant

ADDRESS: 210 Allegheny Ave.

Towson, Md 21204

PHONE NUMBER: 494-6201

AJ:ggg

TO: PETERSON PUBLISHING COMPANY
November 30, 1995 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
210 Allegheny Avenue
Towson MD 21204
494-6201

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-209-XA (Item 207)

105 Beaver Court

E/S private road, for ingress and egress, which is 161'-4" N of c/l Beaver Court

8th Election District - 3rd Councilmanic

Legal Owner: Robert E. Frankel

Special Exception for a service garage.

Variance to permit a gravel storage lot in lieu of a paved and dustless surface, if required.

HEARING: FRIDAY, DECEMBER 15, 1995 at 2:00 p.m. in Room 106, County Office Building.

LAWRENCE E. SCHULTZ

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-209-XA (Item 207)

105 Beaver Court

E/S private road, for ingress and egress, which is 161'-4" N of c/l Beaver Court

8th Election District - 3rd Councilmanic

Legal Owner: Robert E. Frankel

Special Exception for a service garage.

Variance to permit a gravel storage lot in lieu of a paved and dustless surface, if required.

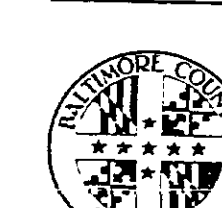
HEARING: FRIDAY, DECEMBER 15, 1995 at 2:00 p.m. in Room 106, County Office Building.

Arnold Jablon

Director

cc: Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 7, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 207
Case No.: 96-209-XA
Petitioner: R. E. Frankel

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 14, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jv
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Dec. 5, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
RE: Zoning Advisory Committee Meeting
for December 4, 1995
Item No. 207

The Development Plans Review Division has reviewed the subject zoning item. This site is subject to the Landscape Manual to the extent possible.

RWB:ew

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/01/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 27, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 205, 206, 207, 208, 209, 210, 211, 213 AND 214.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File
Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 207 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#170 (Revisions) — JJS

1. No telephone number for legal owner.
2. Review information on bottom of petition form not completed.

#206 — JJS

1. Need authorization for person to sign for legal owner.
2. No address or telephone number for legal owner.

#207 — JJS

1. Plat says legal owner is Penske Truck Leasing Company; petition says Robert E. Frankel — Which is correct??

#208 — MJK

1. No signature for legal owners (Robert & Salvatore Yoviene).

#210 — JCM

1. No item number on papers in folders.
2. Review information on bottom of petition form not completed.

#214 — JJS

1. No zip code for legal owner.

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
105 Weaver Court, E/S private road for
ingress and egress, which is 161' +/- N
of c/l Beaver Court, 8th Election
District - 3rd Councilmanic
Robert E. Frankel
Petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio
CHARLES S. DEMILIO
Deputy People's Counsel

Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

VENABLE
ATTORNEYS AT LAW

LEAH, BAETJER AND HOWARD, LLP
Including professional corporations
210 Allegheny Avenue
Post Office Box 5317
Towson, Maryland 21285-5317
(410) 494-6200, Fax (410) 921-0147

OFFICES IN
MARYLAND
WASHINGTON, D.C.
VIRGINIA

Robert A. Hoffman
(410) 494-6262

January 5, 1996

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
Old Courthouse, Suite 113
400 Washington Avenue
Towson, Maryland 21204

Re: Case No. 96-209-XA

Dear Tim:

Bob Frankel and I have reviewed your Order dated December 28, 1995 in the referenced case. Referring you to Restriction No. 2, I would ask that you consider a modification as follows:

"The Special Exception granted herein is limited to a service garage for the storage, detailing and preparation of automobiles being offered for sale by the Petitioner, as a pick-up and drop-off area for rental car customers, and for the general servicing of automobiles in an area not to exceed 1/3 of the area allotted to storage, detailing and preparation of automobiles being offered for sale by the Petitioner."

This revised language does broaden the scope of the Special Exception, but we believe it is consistent with Mr. Frankel's intentions expressed at the hearing.

Please feel free to call me if you have any questions

Yours truly,

Robert A. Hoffman
Robert A. Hoffman

RAH:pvt
cc: Mr. Robert E. Frankel
T01DOCS1/RAH01/0017919.01

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Bob Hoffman
Dick BENNER
WILLIAM T. MATTHEWS
Bob FRANKEL

210 Allegheny Ave
Ruxton Design Corp.
8422 BELLEFONTAINE LANE
21204
10400 York Road, Cockeysville, MD 21030

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS
Bob Hoffman
Bob FRANKEL
WILLIAM T. MATTHEWS
RICHARD W. BENNER

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